

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SUP-17739 - APPLICANT: JL PARADISE, LLC
- OWNER: MANIJEH DANESHFOROOZ**

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-0-1/d vote) recommends APPROVAL, subject to:

Planning and Development

1. One year Required Review after the issuance of a business license as a public hearing at the Planning Commission.
2. Hours of operation shall be limited to 8am to 9pm.
3. Conformance to the conditions for Rezoning (Z-0027-97), if approved.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant seeks approval for a Massage Establishment at 2205 Paradise Road. The proposal seeks to renovate an existing 1,740 square-foot building to accommodate four massage tables. A request for waivers to the 400-foot separation requirement from residentially zoned property and the 1,000-foot separation requirement from an existing massage establishment.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/27/97	The City Council approved a request for Rezoning (Z-0002-76) on property located at 2205 Paradise Road from P-R (Professional Office & Parking) to C-1 (Limited Commercial) for a 1,609 square foot salon.
12/21/06	The Planning Commission voted 4-0-1/d to recommend APPROVAL (PC Agenda Item #24/mh).
<i>Related Building Permits/Business Licenses</i>	
NA	NA
<i>Pre-Application Meeting</i>	
08/30/06	A pre-application conference was held and the applicant was informed of the requirements for submitting a Special Use Permit. The applicant was informed of the 200-foot residential setback requirements and the 1,000-foot distance requirement from an established Massage Establishment.
<i>Neighborhood Meeting</i>	
NA	A neighborhood meeting was not required nor was there one held

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	C (Commercial)	C-1 (Limited Commercial)
North	Office	C (Commercial)	C-1 (Limited Commercial)
South	Office	C (Commercial)	C-1 (Limited Commercial)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Apartments	C (Commercial)	R-4 (igh Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Redevelopment Plan Area	X		Y
A-O Airport Overlay District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment	Y		Y
Project of Regional Significance	Y		Y

Redevelopment Plan Area

The subject site is located within the Redevelopment Plan Area, so designated in 1986. Within the Redevelopment Plan Area, the subject property has a Commercial designation. This general designation does not place any additional development standards on the site above those listed per Title 19, but it allows the site to be eligible for a variety of funding opportunities for activities that promote the modern, orderly development of the area.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500-Feet of unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received prior to the completion of this report.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Massage Establishment	Four Tables	2 Spaces per Table, Chair, or Room with a min 6 required	8 spaces	1	9	1	
TOTAL			8	1	9	1	Y

Waivers		
Request	Requirement	Staff Recommendation
To allow a distance separation of 180 feet from an existing massage establishment.	1,000 feet from an existing massage establishment	Denial
To allow a zero-foot separation from a residential use.	400 feet from residentially zoned property	Denial

ANALYSIS

This request is not supported on the grounds that it violates the distance separation required from residential properties and previously approved massage establishments. There are five existing massage establishments within 1,000 feet of this proposal.

Title 19.04 lists the following as the Conditional Requirements for a Massage Establishment:

- (1) The use shall comply with all applicable requirements of LVMC Title 6.
- (2) The use must be located on a secondary thoroughfare or larger.
- (3) The use may not be located within four hundred feet of any church, synagogue, school, city park, child care facility, or any parcel zoned for residential use.
- (4) The use may not be located within one thousand feet of any other massage establishment.
- (5) The hours of operation shall be limited to the period between eight a.m. and nine p.m.

As the proposal is unable to meet conditions #3 and #4, we cannot support approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. "The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."
2. "The subject site is physically suitable for the type and intensity of land use proposed."
3. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."
4. "Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."
5. The use meets all of the applicable conditions per Title 19.04.

In regard to "1":

The proposed use is incompatible with surrounding land uses and is located in an area that is overly saturated with massage establishments.

In regard to "2":

The subject site is capable of accommodating a massage use. However, an additional approval would contribute to the intensity of existing five massage uses established in the surrounding area.

In regard to "3":

The site is served by Paradise Road, listed as a Major Street. This 60-foot wide street is capable of accommodating the minor increase in traffic flow from the proposed use.

In regard to "4":

The proposal does not meet the overall objectives of the General Plan in that it does not provide adequate accommodation for the performance of massage services at the subject site.

In regard to "5":

The proposal does not meet the conditions as listed by Title 19.04 for a Massage Establishment. Staff is recommending denial, as two of the minimum requirements would need to be waived in order to approve this request.

PLANNING COMMISSION ACTION

Conditions 1 and 2 were added by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 216 by City Clerk

APPROVALS 0

PROTESTS 0